

## **EXHIBIT 11**

**EXHIBIT A**

**INSTRUCTIONS AND DEFINITIONS**

The following terms are defined below solely for the purpose of this notice of deposition:

1. "You," "Your," or "Plaintiff" means, individually or collectively, as applicable, Olean Wholesale Grocery Cooperative, Inc. and its affiliates, subsidiaries, or related companies, and shall include its current and former directors, employees, agents, purported assignors and representatives, both individually and collectively.
2. "Pork Antitrust Litigation" refers to the action captioned *In re Pork Antitrust Litigation*, No. 0:18-cv-01776-JRT-HB, pending in the United States District Court for the District of Minnesota, and any related action currently pending in the District of Minnesota or subsequently transferred to the District of Minnesota.
3. "Pork" shall have the same meaning as the definition in Your Complaint.
4. "Complaint(s)" means each or any Complaint You filed against Defendants concerning Pork that has been consolidated in *In re Pork Antitrust Litigation*, Case No. 0:18-cv-01776-JRT-HB.
5. "Benchmarking Service" or "Industry Data Gathering Service" means any service that provides industry data relating to Your business, including but not limited to data on wholesale, retail or food service industries.
6. "Defendants" refers to Agri Stats, Inc. ("Agri Stats"), Clemens Food Group, LLC, The Clemens Family Corporation (collectively "Clemens"), Hormel Foods Corporation ("Hormel"), JBS USA Food Company ("JBS"), Seaboard Foods LLC, ("Seaboard"), Smithfield Foods, Inc. ("Smithfield"), Triumph Foods, LLC ("Triumph"),

Tyson Foods, Inc., Tyson Prepared Foods, Inc., and Tyson Fresh Meats, Inc. (collectively “Tyson”).

7. “Concerning,” “Reflecting,” “Regarding,” and “Relating to” are used in the broadest possible sense and mean, in whole or in part, addressing, analyzing, constituting, containing, commenting, in connection with, dealing, discussing, describing, embodying, evidencing, identifying, pertaining, referring, reporting, stating, or summarizing.

8. “Communication” means any contact whatsoever or any transmission or exchange of words, numbers, graphic material, or other information, either orally, electronically, or in writing, whether made, received, or participated in, and includes, but is not limited to, any conversation, correspondence, letter, notes, memorandum, inter-office or intra-office correspondence, telephone call, telegraph, telegram, telex, telecopy, facsimile, E-Mail, Internet communication, telefax, cable, electronic message, tape recording, discussion, face-to-face meeting, or conference of any kind (whether in person, by audio, video, telephone, or in any other form).

9. The present tense includes the past and future tenses and vice versa. The singular includes the plural, and the plural includes the singular. The terms “all” and “each” shall both be construed as all and each. The connectives “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.

10. Unless otherwise specified, the relevant time period for purposes of the below topics is January 1, 2009 to June 30, 2018 (“the Relevant Time Period”).

## SUBJECT MATTER AREAS

1. Your organizational structure, the organizational structure or business structure of any of Your subsidiaries and/or affiliates, the commercial relationship(s) between You and each such subsidiary and/or affiliate, and the identities of your personnel, including personnel at each of Your subsidiaries and/or affiliates, involved in: the purchase of, or negotiations for, Your procurement of Pork; the setting of prices for Pork products sold by You; and, the creation or interpretation of Pork market analyses.

2. Your decision-making regarding the purchase of Pork during the Relevant Time Period, including competition by Pork suppliers for sales to You; the selection of Pork suppliers (including integrators, brokers, or intermediaries); the negotiations for the purchase of Pork; considerations regarding contracts with suppliers; considerations regarding pricing of Pork; considerations regarding the product specifications of Pork; considerations regarding Your downstream customers' demand for specific Pork products; bids and/or offers received or solicited for the purchase of Pork; and any discounts, rebates, promotions, billbacks, or credits You received or solicited related to the purchase of Pork.

3. Your involvement and participation in price negotiations directly with Pork suppliers, including considerations regarding setting prices to Your customers based on these direct negotiations and negotiating discounts, rebates, promotions, billbacks, or credits from Pork suppliers.

4. Your decision-making regarding the sales of Pork during the Relevant Time Period, including the factors taken into account in Your pricing of Pork, including costs,

competition, demand, and any discounts, promotions, or credits You offered related to the sale of Pork.

5. Your policies, procedures, and/or general practices for purchasing, ordering, or inventorying Pork, including but not limited to, Your personnel responsible for selecting Pork suppliers and negotiating Pork purchase terms, and whether Your Pork purchases were negotiated and managed centrally, by each distribution center, or otherwise.

6. Your purchase of Pork during the Relevant Time Period, including all financial terms of the purchase, quantities, types (whole or in parts), size, forms (fresh or frozen, raw or cooked, further processed), any labelling claims (organic, NAE, country of origin labelling), date and location of purchase, whether each purchase was pursuant to a contract or made on the spot market, and any product, service, packaging, or other specifications for the purchase of Pork.

7. Your inventory levels of Pork during the Relevant Time Period, including how Your inventory level changes in general over the course of the Relevant Time Period (*i.e.* variations based on season as well as differences on an annual and semi-annual basis), Your ability to carry Pork products in inventory, how You track and monitor Your Pork inventory, and factors You take into account when assessing Your current or future inventory levels.

8. Your budgets, forecasts, projections, or strategic plans with respect to Your purchases of Pork during the Relevant Time Period.

9. Your monitoring, analyses, forecasts, or projections regarding Pork prices, including the prices You pay for Pork or products containing Pork, the prices at which You sell Pork or products containing Pork, and the impact of other proteins' pricing on the pricing of Pork.

10. Any analyses, forecasts, or projections prepared by, for, or otherwise utilized by You concerning market factors taken into account in purchasing or selling Pork.

11. Your Communications with any other named Plaintiff or any putative class member, whether directly or indirectly, concerning Pork, Pork markets, Pork prices, any supplier of Pork, or concerning any allegations made in the Pork Antitrust Litigation or the Complaint.

12. Your participation in trade associations or other industry organizations, including buying cooperatives and share groups (including those hosted by the Food Marketing Institute, the National Grocers Association, the National Restaurant Association, and any similar group) during the Relevant Time Period.

13. Your use of any Benchmarking Service or Industry Data Gathering Service during the Relevant Time Period.

14. Your knowledge and opinion of historical demand, supply, and prices for Pork, and any market factors affecting demand, supply, and prices for Pork and appropriate business responses to those factors, including the cost of inputs such as grain, hog health, and epidemics; the effects of overproduction on the profit margins of Pork

producers, distributors, and retailers; and the possibility and advisability of limiting production or supply to avoid negative profit margins.

15. The interchangeability/substitutability among proteins (*e.g.* pork, chicken, beef, fish, soy), including You purchases of non-Pork proteins (*e.g.* chicken, beef, fish, soy) in response to changes in the price, supply, or demand of Pork, and Your purchases of Pork in response to changes in the price, supply, or demand of non-Pork proteins (*e.g.* chicken, beef, fish, soy). For the avoidance of doubt, this topic includes (a) how interchangeability/substitutability among proteins affects Your purchases, whether the decision to interchange or substitute is Yours or Your customers' and (b) Your knowledge of Your customers' substitution of Pork for a non-Pork protein in response to the change in price, supply, or demand of Pork, or the change in price, supply, or demand of another protein, including differences across different types of customers.

16. Your relationship or interactions with, Your monitoring of, and Your knowledge about Your competitors and/or other Pork purchasers, including Communications with such competitors and/or Pork purchasers, knowledge of Your competitors' pricing, attendance at events also attended by Your competitors, and Your hiring or employees who formerly worked for Your competitors.

17. The purchase data, sales data, or other transactional data that You have produced in the Pork Antitrust Litigation, including its completeness, the meaning of all terms and abbreviations contained therein, and the extent to which such data contains the information requested in Defendants' Requests for Production.

18. Your knowledge of the production of Pork, including industrywide and by any individual Defendant, including how Pork is produced and/or how hogs are raised, the plant locations of Your Pork suppliers, changes or variations in production levels during the Relevant Time Period, and factors that may affect production levels of Pork.

19. Your knowledge of feed costs associated with raising hogs, including how feed costs changed over the Relevant Time Period and how those feed costs impact Pork production costs.

20. Your knowledge of average prices for Pork, including how the average price for Pork changed during the Relevant Time Period.

21. Your awareness of Communications and/or commercial transactions between suppliers of Pork, including, but not limited to, sales of Pork between Pork suppliers and Communications relating to such sales.

22. Your access to and use of information relating to Pork production and pricing, such as USDA, Urner Barry, and Informa Economics (or IEG Vantage).

23. Your knowledge of industry conditions during the 2009-2010 time period, including the pricing and supply of input costs to Pork such as corn; the impact of the H1N1 virus on the supply and demand of Pork; the impact of mandatory country of origin labeling (“MCOOL”) on the supply and demand of Pork; and Your business decisions with respect to Your purchase or sale of Pork based upon those industry conditions.

24. Your knowledge of industry conditions during the 2013-2015 time period, including the impact of the porcine epidemic diarrhea virus (“PEDv”) on the supply and

demand of Pork, and Your business decisions with respect to Your purchase or sale of Pork based upon those industry conditions.

25. Your Communications with third parties concerning any allegations made in the Pork Antitrust Litigation or the Complaint.

26. Your alleged damages claimed as a result of the conduct alleged in the Complaint, including the type(s) of damages Your alleged to have suffered, calculations of the total amount of damages allegedly suffered by You, and how such damages were calculated.

27. Your knowledge and participation in the Pork Antitrust Litigation, including the allegations set forth in Your Complaint and Your pre-Complaint investigation of facts supporting Your allegations.

28. Your decision to become a class representative in the Pork Antitrust Litigation, including Your efforts to investigate the claims and allegations set forth in Your Complaint and Your prior relationship with Class Counsel, if any.